

SEALED

**UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF VIRGINIA**

MAY 16 2019

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

IN THE MATTER OF)

THE EXTRADITION OF)

ROBERT KOVAČIĆ)
_____)

Case No. 7:19 MJ 51

FILED UNDER SEAL

MOTION TO SEAL COMPLAINT, RELATED EXHIBITS AND ARREST WARRANT

The United States of America, by its attorney, the United States Attorney for the Western District of Virginia, hereby respectfully moves the Court to place under seal until further order of the Court the Complaint and any related exhibits and docket entries, and the Arrest Warrant in the above-captioned case, as well as the Government's Motion to Seal and this Court's Order sealing the aforesaid documents. In support of its motion, the government states as follows:

1. Courts have inherent power to control access to papers filed with the Courts. Nixon v. Warner Communications, Inc., 435 U.S. 589, 598 (1978). Courts have traditionally been "highly deferential to the government's determination that a given investigation requires secrecy and that warrant materials be kept under seal" Times Mirror Co. v. United States, 873 F.2d 1210 (9th Cir. 1989), and have routinely granted government requests to seal warrant materials where there is a need for secrecy. See Washington Post v. Robinson, 935 F.2d 282, 289 (D.C. Cir. 1991).

2. The sealing of this matter is necessary because public disclosure of the complaint and related materials at this time could jeopardize future plans to secure the fugitive's arrest and possibly endanger officers attempting to place him in custody because such disclosure could result in his being alerted to his criminal liability, and cause him to take measures to flee or avoid capture.

Concern for the need to apprehend the fugitive, and to do so in a manner consistent with officer safety, constitutes a legitimate prosecutorial reason, particularly in this case where the United States has a treaty obligation to apprehend and extradite the fugitive. The government has thus articulated an appropriate basis for an Order sealing the complaint, any supporting documents and docket entries, the Arrest Warrant, this Motion, and any Order to Seal.

3. In addition, we request that the sealing Order permit disclosure of the complaint, any supporting documents and docket entries, and the Arrest Warrant, to appropriate law enforcement and other personnel, both in the United States and internationally, to the extent that such disclosure is in furtherance of efforts to capture or detain the fugitive.

CONCLUSION

WHEREFORE, for all the foregoing reasons, the United States of America respectfully requests that the Court issue an Order sealing (except to the limited extent specified herein) the complaint filed in this matter on this date, as well as sealing any supporting documents and docket entries, the Arrest Warrant, this Motion, and the Court's sealing Order, until further order of this Court or another Court. A proposed Order is submitted herewith.

Dated: May 16, 2019

Respectfully submitted,

THOMAS T. CULLEN

United States Attorney

By:

s/ Anthony P. Giorno

Anthony P. Giorno

Assistant United States Attorney